

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

WILLIE PAUL WHITE,	§
TDCJ-CID NO.400882, \	
Plaintiff,	§
	§
v.	§ CIVIL ACTION NO. H-10-3094
	§
UNITED STATES DISTRICT COURT FOR	§
THE EASTERN DISTRICT OF TEXAS	§
BEAUMONT, et al.,	§
Defendants.	§

MEMORANDUM AND ORDER ON DISMISSAL

Plaintiff Willie Paul White, a state inmate, has filed another civil rights case pursuant to 42 U.S.C. § 1983, alleging that he was denied due process and access to the courts in habeas proceedings in another federal district court. He also seeks to proceed *in forma pauperis*.

Plaintiff, however, is subject to a preclusion order, barring him from filing any pleadings in this district and in other federal court in this circuit. White v. Strauss, No.92-1229 (5th Cir. 1993). Plaintiff has been sanctioned \$50.00 due to his continued abuse of judicial resources. Id.

Plaintiff has not sought leave to file the pending suit and has not shown that he has paid the \$50.00 sanction. Moreover, plaintiff is barred by the three-strike provision of the Prison Litigation Reform Act.¹ A prisoner cannot file a civil action in

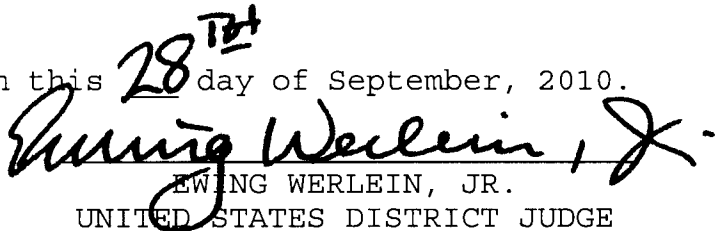
¹ White v. TDCJ, 9:92cv0057 (E.D. Tex., Oct. 2, 1992); White v. Lynaugh, 9:92cv0112 (E.D. Tex. Feb. 5, 1993); White v. Maloney, 3:92cv1867 (N.D. Tex., Dec. 7, 1992); White v. Busbee, 3:92cv2403-G (N.D. Tex. Jan.5, 1993).

forma pauperis in federal court if, on three or more prior occasions, while incarcerated, he brought an action which was dismissed for being frivolous, malicious, or failing to state a claim upon which relief may be granted. 28 U.S.C. § 1915(g). The only exception to revocation of an inmate's privilege to proceed in *forma pauperis* is if he is in immediate danger of serious physical harm. Banos v. O'Guin, 144 F.3d 883, 884 (5th Cir. 1998). Plaintiff's complaint does not indicate that he is any danger of imminent physical harm.

In light of the preclusion order and the three-strikes bar, the present complaint is DISMISSED WITH PREJUDICE. All pending motions are DENIED.

The Clerk will enter this Order and provide a correct copy to all parties.

SIGNED at Houston, Texas, on this 28th day of September, 2010.


EWING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE